

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE NEWSON,

Case No. 09-10346

Plaintiff,

Avern Cohn
United States District Judge

vs.

JOHN T. STEELE, *et al.*,

Michael Hluchaniuk
United States Magistrate Judge

Defendants.

**ORDER GRANTING MOTION TO COMPEL
ACCESS TO PLAINTIFF'S MEDICAL RECORDS (Dkt. 44)**

Plaintiff filed this civil rights action, alleging a violation of his constitutional rights while in the custody of the Michigan Department of Corrections (MDOC). (Dkt. 1). Plaintiff alleges, among other things, that he received inadequate medical care and that defendants were deliberately indifferent to his serious medical needs. Defendant, Correctional Medical Services, Inc. (CMS), has moved to compel access to plaintiff's medical records, given that plaintiff failed to respond to its request for production of documents or sign the release to allow CMS to obtain the records from the MDOC. (Dkt. 44). Plaintiff filed a response to this motion, but does not address the issue at hand. (Dkt. 48).

After reviewing the parties' submissions on the motion and the pleadings on record with the Court, I conclude that plaintiff is obligated to participate in the

discovery process and that defendant is entitled to obtain plaintiff's medical records so that they may adequately defend themselves. This is consistent with the broad discovery mandate found in the Federal Rules of Civil Procedure. See Fed.R.Civ.P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense...."; "Relevant information need not be admissible at trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.") Defendant's request satisfies this standard.

Based on the foregoing, the Court **ORDERS** that:

1. Defendant's Motion to Compel is granted;
2. On or before December 18, 2009, plaintiff must provide to defendant a fully executed disclosure authorization form; and
3. Plaintiff's failure to comply with this Order may result in the submission of a report and recommendation by the undersigned that his claims against CMS be dismissed for failure to cooperate in the discovery process.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 10 days of service as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a).

Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objection must be served on this Magistrate Judge.

Date: November 25, 2009

s/Michael Hluchaniuk

Michael Hluchaniuk

United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that on November 25, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Julia R. Bell, Brian J. Richtarcik, and Randall A. Juip, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Maurice Newson, # 370171, G. ROBERT COTTON CORRECTIONAL FACILITY, 3500 N. Elm Road, Jackson, MI 49201.

s/Tammy Hallwood

Case Manager

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